

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2408

**Introduced by Assembly Members Eggman, Cristina Garcia,
Eduardo Garcia, and Gomez**

February 19, 2016

An act to amend Section ~~12087.5~~ of the Government Code ~~39712~~ of the Health and Safety Code, relating to ~~energy efficiency~~ greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

AB 2408, as amended, Eggman. ~~Energy Efficiency Low-Income Weatherization Program~~. *Greenhouse Gas Reduction Fund*.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990, to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. Existing law authorizes the allocation of moneys from the fund for the purpose of reducing emissions of greenhouse gases through various types of investments.

This bill would authorize the allocation of moneys from the fund to maximize the delivery of integrated greenhouse gas reduction projects for households in low-income and disadvantaged communities. The bill would require state agencies and departments administering grant programs receiving an allocation from the fund to update the guidelines for their grant programs to promote the coordination of the grantees. The bill would require agencies to give funding priority to projects having certain characteristics.

~~Existing law establishes the Department of Community Services and Development and requires the department to administer, among other things, the Energy Efficiency Low-Income Weatherization Program.~~

~~This bill would make a nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 39712 of the Health and Safety Code is
2 amended to read:

3 39712. (a) (1) It is the intent of the Legislature that moneys
4 shall be appropriated from the fund only in a manner consistent
5 with the requirements of this chapter and Article 9.7 (commencing
6 with Section 16428.8) of Chapter 2 of Part 2 of Division 4 of Title
7 2 of the Government Code.

8 (2) The state shall not approve allocations for a measure or
9 program using moneys appropriated from the fund except after
10 determining, based on the available evidence, that the use of those
11 moneys furthers the regulatory purposes of Division 25.5
12 (commencing with Section 38500) and is consistent with law. If
13 any expenditure of moneys from the fund for any measure or
14 project is determined by a court to be inconsistent with law, the
15 allocations for the remaining measures or projects shall be
16 severable and shall not be affected.

17 (b) Moneys shall be used to facilitate the achievement of
18 reductions of greenhouse gas emissions in this state consistent
19 with Division 25.5 (commencing with Section 38500) and, where
20 applicable and to the extent feasible:

21 (1) Maximize economic, environmental, and public health
22 benefits to the state.

1 (2) Foster job creation by promoting in-state greenhouse gas
2 emissions reduction projects carried out by California workers and
3 businesses.

4 (3) Complement efforts to improve air quality.

5 (4) Direct investment toward the most disadvantaged
6 communities and households in the state.

7 (5) Provide opportunities for businesses, public agencies,
8 nonprofits, and other community institutions to participate in and
9 benefit from statewide efforts to reduce greenhouse gas emissions.

10 (6) Lessen the impacts and effects of climate change on the
11 state's communities, economy, and environment.

12 (c) Moneys appropriated from the fund may be allocated,
13 consistent with subdivision (a), for the purpose of reducing
14 greenhouse gas emissions in this state through investments that
15 may include, but are not limited to, any of the following:

16 (1) Funding to reduce greenhouse gas emissions through energy
17 efficiency, clean and renewable energy generation, distributed
18 renewable energy generation, transmission and storage, and other
19 related actions, including, but not limited to, at public universities,
20 state and local public buildings, and industrial and manufacturing
21 facilities.

22 (2) Funding to reduce greenhouse gas emissions through the
23 development of state-of-the-art systems to move goods and freight,
24 advanced technology vehicles and vehicle infrastructure, advanced
25 biofuels, and low-carbon and efficient public transportation.

26 (3) Funding to reduce greenhouse gas emissions associated with
27 water use and supply, land and natural resource conservation and
28 management, forestry, and sustainable agriculture.

29 (4) Funding to reduce greenhouse gas emissions through
30 strategic planning and development of sustainable infrastructure
31 projects, including, but not limited to, transportation and housing.

32 (5) Funding to reduce greenhouse gas emissions through
33 increased in-state diversion of municipal solid waste from disposal
34 through waste reduction, diversion, and reuse.

35 (6) Funding to reduce greenhouse gas emissions through
36 investments in programs implemented by local and regional
37 agencies, local and regional collaboratives, and nonprofit
38 organizations coordinating with local governments.

1 (7) Funding research, development, and deployment of
2 innovative technologies, measures, and practices related to
3 programs and projects funded pursuant to this chapter.

4 (8) *Funding to maximize the delivery of integrated greenhouse*
5 *gas reduction projects, including, but not limited to, advanced*
6 *clean vehicles, carsharing and vanpools, low-income rooftop solar,*
7 *energy efficiency and weatherization, organic waste diversion and*
8 *compost development, and drought-tolerant lawn, park, and urban*
9 *greening projects, for households in low-income and disadvantaged*
10 *communities.*

11 (d) (1) *For purposes of this subdivision, “grant program”*
12 *means a program receiving an allocation from the fund that*
13 *provides grants to entities implementing programs to provide*
14 *benefits to eligible members of the public.*

15 (2) *State agencies administering grant programs shall update*
16 *their program guidelines to promote coordination of grantees*
17 *implementing regional and neighborhood programs with other*
18 *grantees of grant programs, including those administered by other*
19 *state agencies, to encourage both of the following:*

20 (A) *The use of a single or coordinated application by grantees*
21 *to determine the eligibility of a member of the public for benefits*
22 *provided by the regional and neighborhood programs.*

23 (B) *The use of a single mechanism by grantees to report to the*
24 *granting agencies on the efficacy of their programs, to the extent*
25 *feasible.*

26 (3) *State agencies administering grant programs shall update*
27 *their guidelines to authorize the use of a percentage of the grant*
28 *moneys to provide technical assistance to members of the public*
29 *in applying for benefits under the grantee’s program.*

30 (e) *In evaluating projects receiving an allocation from the fund,*
31 *state agencies shall give priority to projects that demonstrate one*
32 *or more of the following characteristics:*

33 (1) *Coordination with applicants of grant programs, including*
34 *grant programs administered by other state agencies, to maximize*
35 *the benefits to the public.*

36 (2) *The ability to leverage additional public and private funding.*

37 (3) *The potential for multibenefits.*

38 (4) *The potential for replication of the project.*

39 (5) *The use of existing regional infrastructure and institutions.*

1 (6) *The utilization of the services of a state-certified community*
2 *conservation corps.*

3 ~~SECTION 1. Section 12087.5 of the Government Code is~~
4 ~~amended to read:~~

5 ~~12087.5. (a) The department shall develop and administer the~~
6 ~~Energy Efficiency Low-Income Weatherization Program and~~
7 ~~expend moneys appropriated by the Legislature for the proposes~~
8 ~~of the program.~~

9 ~~(b) The department may develop requirements, guidelines, and~~
10 ~~subgrantee contract provisions for the program.~~

11 ~~(c) Before a subgrantee contract is executed for the provision~~
12 ~~of local service, the department shall do both of the following:~~

13 ~~(1) No less than 30 days before finalization of the program~~
14 ~~guidelines, post the draft program guidelines on the department's~~
15 ~~Internet Web site.~~

16 ~~(2) Hold a public hearing to obtain public input on the draft~~
17 ~~program guidelines with notice of the hearing published~~
18 ~~prominently on the department's Internet Web site no less than 15~~
19 ~~days before the hearing.~~

20 ~~(d) Chapter 3.5 (commencing with Section 11340) of Part 1~~
21 ~~shall not apply to the development and adoption of program~~
22 ~~requirements, guidelines, and subgrantee contract provisions~~
23 ~~pursuant to this section.~~